IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HONOURABLE Dr. JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 18458 of 2004**

Between:

Vuppala Srinivas, S/o.Sri V.Seetaramaiah,

Aged about 36 years, Occ: Driver, Tobacco Board,

Office of Auction Superintendent, Tadikonda,

Guntur District, resident of Guntur

**..... PETITIONER**

AND

1. Union of India, represented by its Secretary to the Government

   Ministry of Commerce, New Delhi.

2. The Tobacco Board, represented by its Chairman,

   P.O.Box No.322, G.T.Road,Guntur-522 004 A.P..

3. The Executive Director, Tobacco Board,

   P.O.Box.No.322, G.T.Road, Guntur-522 004, A.P.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to (a) Declare the proceedings No.)(43)/2002/P.A.D./1370-FM, dated 02.09.2004 issued by the respondents as issued in violation of the Tobacco Board Recruitment Regulations-2002 apart from being arbitrary, illegal and violative of the rights guaranteed to the petitioner under Articles 14 and 16 of the Constitution of India; (b) consequently, direct the respondents to promote the petitioner to the post of Staff Car Driver Grade-II with effect from 02.03.1998 being the date on which the juniors of the petitioner have been promoted and pass such order or further orders as are deemed fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.P.S.RAJASEKHAR**

**Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)**

**Counsel for the Respondents 2 & 3: MR.S.SRINIVAS REDDY**

**The Court made the following:**

**ORDER:**

The petitioner is working as a Staff Car Driver (ordinary) in the 2nd respondent Tobacco Board since 01.03.1989. The petitioner contends that he is a qualified person to get promotion, but the respondents are not considering his candidature for promotion.

2. The grievance of the petitioner is that though his juniors are given promotion, he is not extended the said benefit. He, therefore, made a representation to the

2nd respondent on 29.11.2002 requesting to consider his case for promotion. But the case of the petitioner has been rejected through the order dated 02.09.2004. The grievance of the petitioner is that the 2nd respondent while passing the impugned order did not take into consideration the Regulation No.8 of the Tobacco Board (Recruitment) Regulations, 2002. Therefore, he approached this Court through this writ petition, seeking to declare that the order of the 2nd respondent dated 02.09.2004 as illegal and to direct the respondents to promote him to the post of Staff Car Driver Grade-II with effect from 02.03.1998.

3. In the light of the submissions made by the petitioner, the 2nd respondent is directed to once again examine the eligibility of the petitioner for promotion and pass appropriate orders, keeping in view the Regulation No.8 of the Tobacco Board (Recruitment) Regulations, 2002, within 2 (two) months from the date of receipt of a copy of this order.

4. The Writ Petition is, accordingly, disposed of. No order as to costs.

**Note:**

**Issue CC by tomorrow.**

**B/o.**

**dsr**.

ASSISTANT REGISTRAR

To:

1. The Secretary to the Government.

Union of India, Ministry of Commerce,

New Delhi

2. The Chairman, Tobacco Board,

P.O.Box No.322, G.T.Road, Guntur-522 004 AP

3. The Executive Officer,Tobacco Board,

P.O.Box No.322, G.T.Road, Guntur-522 004 AP

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